

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CELINA ROBERTS, ANTHONY SCIOTTO,
ERIC BURNS, KERI DICKEY, ANGELA
RAMIREZ, DIANA SANTILLAN, CAMILLE
GHANEM, ARNOLD WILLIAMS,
OLUWATOSIN BABALOLA, and TOMMY
ZAHTILA, TODD JUSTICE, GIANFRANCO
PIROLO, MICHAEL O'GRADY, and JASON
FOSTER, on behalf of themselves and others
similarly situated,

Plaintiffs,

- against -

THE TJX COMPANIES, INC., a Delaware
Corporation; MARSHALLS OF MA, INC., a
Massachusetts Corporation; MARMAXX
OPERATING CORP., a Delaware Corporation
d/b/a MARSHALLS HOMEGOODS, d/b/a
MARSHALLS, d/b/a T.J. MAXX
HOMEGOODS; HOMEGOODS, INC., a
Delaware Corporation

Defendants.

Civil Action No. 1:13-cv-13142 (ADB)

JOINT MOTION FOR RULE 16 CONFERENCE

Pursuant to Rule 16(a) of the Federal Rules of Civil Procedure, the parties – Plaintiffs Celina Roberts, Anthony Sciotto, Eric Burns, Keri Dickey, Angela Ramirez, Diana Santillan, Camille Ghanem, Arnold Williams, Tommy Zahtila, Todd Justice, Gianfranco Pirolo, Michael O'Grady, and Jason Foster (collectively, “Plaintiffs”) and Defendants The TJX Companies, Inc.; Marshalls of MA, Inc.; Marmaxx Operating Corp.; and HomeGoods, Inc. (collectively, “Defendants”) – jointly file this motion to respectfully request that the Court convene a Rule 16 conference as soon as practicable, for purposes of “expediting disposition of the action,” “establishing early and continuing control so that the case will not be protracted because of lack of management,” and “discouraging wasteful pretrial activities.” The parties request a Rule 16 conference so the Court can provide guidance regarding the schedule for, and scope of, Second-

Phase discovery, and to address the Non-List Opt-ins who have filed consent forms to join this lawsuit. The parties' positions on these issues are set forth in the Joint Statement filed on March 2, 2018. (*See* Doc. 277, hereinafter referred to as the "Joint Statement"). Second-Phase discovery has been effectively stayed because of the parties' significant areas of dispute outlined in the Joint Statement. As such, the Court's guidance is critical to move this case forward. In support of this Motion, the parties state:

1. In their joint motion dated November 13, 2018 (Doc. 288), the parties advised that the Court has yet to rule on the Joint Statement, and that the case has been effectively stayed since March 2, 2018. Plaintiffs explained that they were concerned about prejudice caused by the delay.

2. In the same joint motion, the parties also explained that Second-Phase Discovery had been effectively stayed because the Court had not had the opportunity to rule on the scope or schedule for Second-Phase discovery, including any expert disclosure, Daubert or dispositive motion, mediation, or pre-trial deadlines.

3. On December 19, 2018, the parties placed a joint call to the Court's chambers. The parties left a voicemail advising the Court of their interest in scheduling a conference. We have not received a communication from the Court since that voicemail.

Accordingly, the parties respectfully request that the Court schedule a Rule 16 conference to address the issues raised in the Joint Statement.

Date: February 1, 2019

Respectfully submitted,

For Plaintiffs

/s/ Fran L. Rudich

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CERTIFICATE OF SERVICE

The undersigned hereby certified that on February 1, 2019 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Fran L. Rudich

Attorney for Plaintiff